

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT TERRORISM ACT 2000
(PROSCRIBED ORGANISATIONS) (AMENDMENT)
(NO. 2) ORDER 2019

Thursday 31 October 2019

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Monday 4 November 2019

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The Committee consisted of the following Members:

Chair: IAN AUSTIN

† Cadbury, Ruth (*Brentford and Isleworth*) (Lab)
 † Dakin, Nic (*Scunthorpe*) (Lab)
 Harman, Ms Harriet (*Camberwell and Peckham*)
 (Lab)
 † Harris, Rebecca (*Lord Commissioner of Her
 Majesty's Treasury*)
 † Harrison, Trudy (*Copeland*) (Con)
 † Heald, Sir Oliver (*North East Hertfordshire*) (Con)
 Hodge, Dame Margaret (*Barking*) (Lab)
 † Hughes, Eddie (*Walsall North*) (Con)
 † Lewis, Brandon (*Minister for Security*)

† Lopresti, Jack (*Filton and Bradley Stoke*) (Con)
 † Mann, Scott (*North Cornwall*) (Con)
 Slaughter, Andy (*Hammersmith*) (Lab)
 Smith, Eleanor (*Wolverhampton South West*) (Lab)
 † Thomas, Gareth (*Harrow West*) (Lab/Co-op)
 † Thomas-Symonds, Nick (*Torfaen*) (Lab)
 † Vickers, Martin (*Cleethorpes*) (Con)
 † Watling, Giles (*Clacton*) (Con)

Kenneth Fox, *Committee Clerk*

† **attended the Committee**

Fourth Delegated Legislation Committee

Thursday 31 October 2019

[IAN AUSTIN *in the Chair*]

Draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2019

11.30 am

The Minister for Security (Brandon Lewis): I beg to move,

That the Committee has considered the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2019.

The draft order was laid before the House on 22 July. Following a request, we have reviewed the information available about the current activities of the Libyan Islamic Fighting Group. After careful consideration, the Home Secretary has concluded that there is now not sufficient evidence to support a reasonable belief that the LIFG is currently concerned in terrorism, as defined by section 3(5) of the Terrorism Act 2000. The decision to de-proscribe the LIFG was taken after extensive consideration and in the light of a full assessment of available information. Hon. Members will appreciate that it is not appropriate for me to discuss any specific intelligence that informed the decision-making process, but I believe that it is right and proportionate that we remove the LIFG from the list of proscribed organisations in schedule 2 of the Act.

The decision to de-proscribe is taken only after great care and consideration of a particular case, and it is appropriate that it must be approved by both Houses. The other place has already debated and agreed the draft order, so—subject to the agreement of this House—it will come into force on Friday 1 November.

11.31 am

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under your chairmanship, Mr Austin. It is good to be here with strength of numbers to put the case this morning. *[Interruption.]* Company is always welcome. I should say, by way of apology, that my Whip, my hon. Friend the Member for Scunthorpe, is on two simultaneous Committees but will attend in a moment.

Reluctantly, I rise to oppose the draft order. I have never opposed any proscription application in the time I have done this job, but this is the first de-proscription that I have dealt with. Let me explain my logic.

The Minister is entirely right about the application of section 3(5) of the 2000 Act, and I have no doubt that he has applied it appropriately and carefully. The issue is about my having the appropriate information to scrutinise the draft order properly. Of course I would never expect any disclosures at the level of comments about specific intelligence, but I would have hoped for a higher level of disclosure than I have been privy to.

The shadow Home Secretary, my right hon. Friend the Member for Hackney North and Stoke Newington (Ms Abbott), was sent a letter that stated:

“This decision is based on the lack of contemporary evidence of LIFG’s involvement in terrorist activity, as it is defunct. This in no way invalidates their previous proscription.”

Of course it is entirely correct that the decision will not invalidate the previous proscription, and the intelligence may well state that there is a lack of involvement in terrorist activity. Beyond that, however, I have very little to go on.

At present there is no annual review of proscribed organisations, although there have been arguments about that; Lord Anderson, the former independent reviewer of terrorism legislation, has often argued for it, and I have had the same discussion with the Minister’s predecessor, the right hon. Member for Wyre and Preston North (Mr Wallace). That means that someone must have applied for the group to be de-proscribed, and it must have been someone within the organisation or affected by the proscription. There may be a very good reason why I do not know who that person is, but I stand here today not knowing who they are or why such a step might have been taken.

There is concern about what will happen if the organisation is reactivated. I entirely take the point that the intelligence picture may show that it is defunct at the moment, but surely if there is any possibility that it will be re-established, it would be better to leave it on the proscription register. On a further point, I have not seen anything about whether the organisation has frozen assets or what will happen to them in the event of de-proscription.

Finally, there was extensive media coverage back in 2017. For example, *The Daily Telegraph* printed claims on 24 May 2017 from a former Libyan security official that:

“Ramadan Abedi, the father of bomber Salman Abedi, was a member of the Libyan Islamic Fighting Group, a militant group founded in 1995 to pursue the violent overthrow of Gaddafi’s military dictatorship”.

The Guardian reported the same allegation on the same day. Of course, it may be that the organisation was defunct before that, and that Salman Abedi’s father was a member in the past, rather than at that time. However, I just do not know the precise situation.

I take this decision carefully, and my judgment is that I will divide the Committee on the order, simply because I do not feel that I have the level of information that I have had on previous proscription decisions to enable me to provide appropriate scrutiny of the decision.

11.36 am

Brandon Lewis: Let me respond to some of the points raised by the hon. Member for Torfaen. In our assessment, the LIFG has been defunct and not in existence since around 2010 or 2011. He is quite right that there has been consideration of and conversations on whether there should be annual reviews. However, the system is actually working. The fact that we are here today shows that the system of people having to apply is working and gives further protections, whereas having an annual review could create challenges in our counter-terrorism work.

The application was received by the Home Office on 16 January 2019. De-proscription applications are made in confidence, so it is not appropriate for me to divulge the details of the applicant.

Sir Oliver Heald (North East Hertfordshire) (Con): My understanding is that the organisation was committed to the overthrow of President Gaddafi. He has been overthrown. Can the Minister say whether that is part of the reason why the group is now defunct?

Brandon Lewis: My right hon. and learned Friend is absolutely correct about the group's original purpose, and people may make the fair argument that one reason why the group became defunct was because its purpose has been served. From our point of view, de-proscription is purely about the fact that the group is defunct. To answer a direct concern that the hon. Member for Torfaen may have, it is worth being aware that we continue to keep de-proscribed groups under review. If anything changes at any time, we are able to proscribe them.

However, the key point that we need to be aware of and alert to is that the Government obviously have to make sure that we follow the rule of law. In doing so, we have to follow through a de-proscription request in the correct and proper way. That is what we have done, and the group qualifies for de-proscription in that sense.

It is inappropriate and inaccurate to link the group to the tragic and abhorrent attack in Manchester—I understand the hon. Gentleman's point and absolutely accept that he was not making that link. This organisation was defunct in 2010 to 2011 and therefore qualifies for de-proscription, which is what we recommend. The Home Secretary and I believe that the LIFG should be removed from the list of proscribed organisations under schedule 2 of the Terrorism Act 2000. I commend the order to the Committee.

Question put,

The Committee divided: Ayes 9, Noes 4.

Division No. 1]

Harris, Rebecca
Harrison, Trudy
Heald, rh Sir Oliver
Hughes, Eddie
Lewis, rh Brandon

AYES

Lopresti, Jack
Mann, Scott
Vickers, Martin
Watling, Giles

NOES

Cadbury, Ruth
Dakin, Nic

Thomas, Gareth
Thomas-Symonds, Nick

Question accordingly agreed to.

Resolved,

That the Committee has considered the draft Terrorism Act 2000 (Proscribed Organisations) (Amendment) (No. 2) Order 2019.

11.40 am

Committee rose.

